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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,858	04/04/2000	Douglas A. Campbell	3835-4001	6181
27123	7590	01/12/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			OPIE, GEORGE L	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No.	Applicant(s)	
	09/542,858 Examin r	Campbell et al. Art Unit	
	George L. Opie	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) Responsive to communication(s) filed on 11 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) Claim(s) is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) is/are objected to.
- 8) Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:
 1. received.
 2. received in Application No. (Series Code / Serial Number) .
 3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|--|--|
| <input type="checkbox"/> Notice of References Cited (PTO-892) | <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <input type="checkbox"/> |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <input type="checkbox"/> | <input type="checkbox"/> Other: <input type="checkbox"/> |

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DETAILED ACTION

This Office Action is responsive to Applicant's request for reconsideration, filed 11 August 2004. Claims 13-44 have been withdrawn, and claims 1-12 are pending.

1. Request for copy of Applicant's response on floppy disk:
Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk. Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory, however, it will help expedite the processing of your application. Your cooperation is appreciated.
2. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*. Consistent with Office procedure, the U.S. Patents corresponding to the *text documents* are also included with this action.

3. Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gabber et al. (U.S. Patent 5,961,593) in view of Alkhatib (U.S. Patent 6,119,171).

As to claim 1, Gabber teaches a client – server system designed to "allow the users to browse the server sites anonymously", abstract

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Transmitting a packet from at least one client (data received from a particular user, p5 3-27) to a deceiver (computer-executable)first routine ... associated, at least in part, with the user site, Id.)

Transmitting the packet from the deceiver to a controller (second routine ... transmits ... to proxy system, p7 1-16)

Receiving the resolved packet from the first server back to the controller (proxy system then ... receives data, p7 1-16)

Establishing a connection between the controller and a forwarder (Local proxy system 510 communicates with a central proxy system, p13 45-55)

Processing the resolved packet and storing data from the packet in the controller (proxy system 510 will receive data and compute requisite substitutes to process and maintain the user's information as an anonymous interface, Id.)

Routing the packet back to the forwarder (routine transmits the data to central proxy system 110a, p7 1-16)

Further processing the packet in the forwarder, where the packet is then transmitted to a second server (central proxy system then ... retransmitting browsing commands received from the particular user site to the server site, p15 10-17) and an ISP can be employed, such as (NETCOM can transmitt the browsing commands to the target server, p7 28-34)

Gabber does not explicitly disclose the additional limitations detailed below.

Alkhatib teaches a domain name routing server, p8 15-34 that corresponds to the routing the packet to a first server to resolve the packet.

It would have been obvious to combine Alkhatib's teachings with Gabber's system for anonymous browsing because the domain name routing system would facilitate the client-server "course" of communications.

As to claim 2, Alkhatib (p11 40-56) teaches the packet sent from the client contains a request for a domain name resolution.

As to claims 3-4, Gabber (p7 1-44) teaches forwarding the packet to the controller which then obtains the target destination via a domain name server.

As to claims 5-8, Alkhatib (p3 28 – p4 21) teaches the packet containing an IP address for target site, the client address and the address of the forwarder.

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As to claims 9 and 12, Alkhatib (p11 40-56) teaches the DNR server storing a time to live parameter for controlling session time in which correlation data resides in the facility to maintain the mechanism for managing the anonymity interface.

As to claims 10-11, Gabber (abstract) teaches the concept of substituting system identifiers and addresses for translating/aliasing sites with proxies.

5. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure. Specifically, the below reference(s) will also have relevancy to one or more elements of the Applicant's claimed invention as follows:

U.S. Patent No. 6,496,931 to Rajchel et al. which teaches the concealing client data by communication through router/controller entities; and,
U.S. Patent No. 6,182,148 to Tout which teaches the interchanging information via translation/indirection units for facilitating network operations.

6. Response to Applicant's Arguments:

Applicant argues (claim 1) that the teachings of Gabber and Alkhatib do not meet the transmitting of a packet to a deceiver and controller to facilitate client/server communications as claimed. Contrary to Applican's contention, the Gabber and Alkhatib teachings do render obvious the recitations of routing and processing a packet as broadly claimed. The rejection of claim 1 contains a detailed mapping of each element in the claim with its equivalent component taught in the prior art references. Gabber's anonymous browsing "proxy system includes computer-executable routines that process site-specific substitute identifiers . . . retransmits browsing commands received from the users to the server sites . . . and removes portions of the browsing commands" abstract, and Alkhatib describes a domain name resolution server that would be used for routing the communications in accordance with Gabber's browsing scheme. The cited references, taken together, clearly provide the client/server transmissions utilizing a deceiver and controller as broadly claimed.

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969)

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Gabber plainly describes routines that process client/server data, p5 3-27 commensurate with the claimed deceiver and controller operations. The processes in Gabber's proxy system resolve (work out identifiers, p13 27-55) as recited in the rejections supra.

The scope of the claimed "processing the resolved packet ... in the controller" clearly transcends the more narrow scope that Applicant attempts to impute through argument. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art, *In re Self*, 213 USPQ 1,5 (CCPA 1982); *In re Priest*, 199 USPQ 11, 15 (CCPA 1978). The client/server transmission resolution and routing elements are clearly subject to a broad interpretation, as detailed in the rejections maintained above. The Examiner has a *duty and responsibility* to the public and to Applicant to interpret the claims as *broadly as reasonably possible* during prosecution (see *In re Prater*, 56 CCPA 1381, 415F.2d 1393, 162 USPQ 541 (1969)).

Applicant should set forth claims in language that clearly, distinctly, unambiguously and uniquely define the invention. The fact that Applicant has not narrowed the definition/scope of the current claims implies that Applicant intends an extensive coverage breadth of the claims, which is met by the teachings of Gabber and Alkhatib.

In light of the references of record, the packet processing and transmitting through a "deceiver" and "controller", in the manner recited in the pending claims does not constitute a non obvious improvement over the prior art.

Applicant's arguments, filed 11 August 2004, have been fully considered but they are not deemed to be persuasive. For the reasons detailed above, the obviousness rejections are maintained under **35 U.S.C. § 103** as set forth in the previous Office Action.

7. THIS ACTION IS MADE FINAL.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO

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37 C.F.R. 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Contact Information:

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private-PAIR or Public-PAIR.

Status information for unpublished applications is available through Private-PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:

**Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450**

Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The

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application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (571) 272-3766 or via e-mail at George.Opie@uspto.gov. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.


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